

CITY OF NEWTON
IN BOARD OF ALDERMEN
FINANCE COMMITTEE AGENDA
SPECIAL MEETING

MONDAY, JUNE 1, 2009

7:00 pm **PLEASE NOTE EARLY START TIME**
Room 222

ITEMS SCHEDULED FOR DISCUSSION:

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

#131-09 HIS HONOR THE MAYOR requesting authorization to appropriate and expend from Budget Reserve the sum of eighty thousand dollars (\$80,000) for the purpose of upgrading the automatic temperature control system at the library. [04/28/2009 @ 6:04 PM]

Note: A letter from His Honor the Mayor was received on 05/12/09 requesting that the funding source be changed from budget reserve to capital stabilization.
PUBLIC FACILITIES APPROVED 7-0 on 05-20-09

NOTE: The Comptroller has prepared a “First Call Report” for the following seven items (see attached memo dated May 26, 2009)

#197-07(4) HIS HONOR THE MAYOR requesting that for the purpose of clearing the books for FY09 that board order #196-07(3) be amended by rescinding a balance of \$25 that remains authorized but unissued debt for bonds issued in April 2009 pursuant to board order #196-07(3). [05/12/09 @ 5:02 PM]

#148-09 HIS HONOR THE MAYOR requesting authorization to appropriate and expend ninety thousand two hundred sixty dollars (\$90,260) from Capital Stabilization for the purpose of paying issuance costs related to the sale of bonds in March 2009. [05/12/09 @ 5:01 PM]

#149-09 HONOR THE MAYOR requesting a transfer of twelve thousand dollars (\$12,000) from Unemployment in Human Resources to Legal Services and an additional four thousand dollars (\$4,000) from Unemployment to the Human Resources Consultants. These transfers will allow Human Resources to pay legal and consulting fees related to multiple pending arbitrations through FY09. [05-12-09 @ 5:02 PM]

Note: A letter from His Honor the Mayor was received on 05/26/09 requesting to increase the transfer from Unemployment in Human Resources to legal and consulting in Human Resources from \$16,000 to \$25,000.

- #113-09 HIS HONOR THE MAYOR requesting to transfer seventy-five thousand (\$75,000) from Unemployment to the Municipal Worker's Compensation Medical Account for the purpose of recent medical procedures that were more costly than anticipated. [04/14/09 @ 5:33 PM]
- #129-09 THE COMMUNITY PRESERVATION COMMITTEE requesting to transfer two thousand six hundred dollars (\$2,600) within the Community Preservation Program's current-year (FY09) administrative budget from personnel to "other costs". [04/24/09 @ 3:57 PM]
- #114-09 HIS HONOR THE MAYOR requesting authorization to appropriate and expend thirteen thousand dollars (\$13,000) from Budget Reserve for the purpose of supplementing the FY09 appropriation for veterans' benefits. [04/14/09 @ 5:31 PM]
Note: A letter from His Honor the Mayor was received on 05/26/09 requesting to increase veteran's benefits by \$3,000 to a total of \$16,000.
- #115-09 HIS HONOR THE MAYOR requesting authorization to accept and authorize the expenditure of a reimbursement grant in the sum of eighty-five thousand one hundred fifty four dollars (\$85,154) from the Massachusetts Highway Department to the Fire Department for the purpose of replacing of fire communications equipment in conjunction with the reconstruction of Commonwealth Avenue. [04/14/09 @ 5:31 PM]

ITEMS NOT SCHEDULED FOR DISCUSSION:**REFERRED TO CMTE ON COMMUNITY PRES AND FINANCE COMMITTEE**

- #151-09 THE COMMUNITY PRESERVATION COMMITTEE recommending that two million forty-six thousand dollars (\$2,046,000) be appropriated and expended from the Community Preservation Fund's community housing and general reserves to create ten permanently affordable homeownership units of community housing at 192 Lexington Street.
[05-11-09 @ 2:04 PM]
COMMUNITY PRESERVATION HELD 7-0 on 05-26-09
- #128-09 HIS HONOR THE MAYOR requesting authorization to appropriate and expend from Budget Reserve the sum of ten thousand dollars (\$10,000) for the purpose of installing an additional heating coil in the air handler at the Senior Center.
[04/28/09 @ 6:04 PM]
- #343-08(2) HIS HONOR THE MAYOR requesting a RESOLUTION from the Board of Aldermen pursuant to a letter from the Mayor dated July 3, 2001 relative to setting a fee of \$50 per trench under the new Trench Excavation Safety Permit requirements of the Commonwealth and ordinance Z-33, dated November 3, 2008. [4-28-09 @6:03 pm]

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

- #130-09 HIS HONOR THE MAYOR requesting authorization to appropriate and expend from Cable Receipts the sum of twenty-four thousand nine hundred eighteen dollars (\$24,918) for the purpose of purchasing equipment to provide for archived web casting of the Board of Aldermen and School Committee meetings. [4/28/09 @ 6:02 PM]

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #36-08(2) HIS HONOR THE MAYOR requesting to amend docket item #36-08 by appropriating an additional one hundred nine-thousand six hundred twenty-seven dollars (\$109,627) from Budget Reserve for the fuel tank replacements at the Elliot Street DPW yard. [04/28/09 @ 6:02 PM]
PUBLIC FACILITIES APPROVED 5-0-2 (Gentile and Lennon abstaining) on 5-20-09

REFERRED TO CMTE ON COMM. PRES & FINANCE COMMITTEE

- #132-09 THE COMMUNITY PRESERVATION COMMITTEE recommending that one million eighty-two thousand five hundred dollars (\$1,082,500) be appropriated and expended from the Community Preservation Fund's historic and general reserves for the preservation and rehabilitation of Warren House. [04/27/09 @ 9:04 AM]
COMMUNITY PRESERVATION APPROVED 7-0 on 05-26-09

REFERRED TO PUB SAF & TRANSPORTATION AND FINANCE COMMS.

- #117-09 HIS HONOR THE MAYOR requesting authorization to appropriate and expend eighty-eight thousand dollars (\$88,000) from Free Cash for the purpose of supplementing the Fire Department overtime account. [04/14/09 @ 5:33 PM]
PUBLIC SAFETY APPROVED 6-0 on 5-20-09

Re-appointment by His Honor the Mayor

- #116-09 MARIA A. BIANCHI, 41 Aspen Avenue, Auburndale, re-appointed as a Constable for the City of Newton for a term to expire May 1, 2012 [04/13/09 @ 1:04 PM]

REFERRED TO CMTE ON COMMUNITY PRES.AND FINANCE COMMITTEE

- #91-09 COMMUNITY PRESERVATION COMMITTEE requesting to appropriate and expend \$37,750, including \$750 for legal costs, from the FY09 Community Preservation Fund's historic resources and general reserves, to survey undocumented archaeological resources throughout the City including a ground-penetrating radar survey of the East Parish Burying Ground, and produce a report of the findings. [03/06/09 @ 2:20 PM]
COMMUNITY PRESERVATION APPROVED (Ald. Parker abstaining; Ciccone not voting) on 5-26-09

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

- #87-09 ALD. SANGIOLO, BRANDEL, FREEDMAN AND HESS-MAHAN requesting a Home Rule Petition to allow the City of Newton to require elected officials to contribute a higher percentage rate for health insurance benefits than is required for other employee groups. [03-10-09 @ 9:17 AM]
PROGRAM AND SERVICES APPROVED 5-1-1 (Baker opposed; Merrill abstaining; Parker not voting) on 04-15-09

REFERRED TO PUBLIC SAFETY & TRANSPORTATION COMMITTEE on 05-04-09**REFERRED TO PUBLIC FACILITIES & FINANCE COMMITTEES on 02-17-09**

- #60-09 ALD. SANGIOLO, GENTILE AND HARNEY requesting the installation of traffic islands on CONCORD STREET to be funded with the Cabot, Cabot and Forbes Traffic Mitigation Fund for Lower Falls (Ward 4). [02/03/09 @ 1:01 PM]

ITEM RECOMMITTED TO PUB. FAC. AND FINANCE COMMITTEES ON 02-17-09**REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES**

- #13-09 HIS HONOR THE MAYOR requesting authorization to appropriate and expend three hundred eighty-five thousand dollars (\$385,000) from bonded indebtedness to the Public Works Department for the purpose of replacing both the salt shed and the Quonset hut at Crafts Street. [12-30-08 @ 5:04 PM]
PUBLIC FACILITIES APPROVED 4-0-2 (Gentile and Mansfield abstaining) on 01-07-09
FINANCE APPROVED 2-1-3 (Gentile opposed; Parker, Lennon and Freedman abstaining) on 02-09-09
- #354-08 ALD. COLETTI requesting monthly report on cash and receivable reconciliations by Treasurer and status of Consultant work in Treasurer's Office. [09-30-08 @ 1:54 PM]
HELD 6-0 on 02-09-09
- #352-08 ALD. COLETTI requesting discussion monthly reports from the Chief Budget Officer and Comptroller on the status of the Health Insurance Trust Fund. [09-30-08 @ 1:54 PM]
HELD 7-0 (Johnson not voting) on 04-13-09
- #349-08 ALD. COLETTI requesting discussion on preparation and submission of a new Capital Improvement Plan by the Executive Office. [09-30-08 @ 1:54 PM]
HELD 6-0 on 02-09-09
- #348-08 ALD. COLETTI requesting discussion on the Executive Department submission of a new 5-year forecast for FY2010 budget preparation. [09-30-08 @ 1:54 PM]
HELD 5-0 on 03-23-09

REFERRED TO POST AUDIT & OVERSIGHT AND FINANCE COMMITTEES

- #300-08 ALD. JOHNSON AND SWISTON requesting discussion with Mayor David Cohen and Superintendent Jeffrey Young as to the procedures that are in place to ensure accountability of their staff in respect to adherence to the authorization of purchasing and expenditures policy and procedures. [07-21-08 @ 9:03 AM]
POST AUDIT & OVERSIGHT HELD on 11-25-08
FINANCE HELD 8-0 on 01-12-09
POST AUDIT & OVERSIGHT HELD 6-0 (Harney not voting) on 04-16-09

- #299-08(2) HIS HONOR THE MAYOR requesting that the Board of Aldermen accept the provisions of §19 of Chapter 32B (as amended) of the General Laws to allow all subscribers for whom the City provides health insurance to transfer to the Group Insurance Commission (GIC) pursuant to Section 19(e) of Section 32B, which authorizes the City to engage in so-called coalition bargaining re the issue of the City joining the GIC. [08-04-08 @ 12:35 PM]
HELD 6-0-2 (Freedman and Salvucci not voting) on 01-12-09

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

- #274-08 ALD. JOHNSON AND SANGIOLO proposing a RESOLUTION to His Honor the Mayor requesting that he create a plan to move the Child Care Commission to a self-sustaining model for FY2010. [07-17-08 @ 9:53 AM]

**REFERRED TO PROG. & SERV., ZONING & PLANNING, PUB. FACIL.
PUB. SAFETY AND FINANCE COMMITTEES**

- #273-08 ALD. JOHNSON proposing a RESOLUTION to His Honor the Mayor requesting that the Executive and Human Resources Departments develop a comprehensive human capital strategy for the city to include: performance management, talent development, succession planning, and compensation. [07-17-08 @ 9:53 AM]
PUBLIC SAFETY & TRANSPORTATION HELD 6-0 (Cicccone not voting) on 09-03-08

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

- #272-08 ALD. JOHNSON proposing a RESOLUTION to His Honor the Mayor that he work with the Board of Aldermen, School Department, and School Committee in order to determine the most effective and efficient way to organize the Human Resources Departments. [07-17-08 @ 9:53 AM]

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

- #270-08 ALD. JOHNSON proposing a RESOLUTION to His Honor the Mayor requesting that he work with the Board of Aldermen, School Department, and School Committee in order to determine the most effective and efficient way to organize the Information Technology Departments. [07-17-08 @ 9:53 AM]

ITEM RECOMMITTED TO FINANCE COMMITTEE on 11-3-08
REFERRED TO PUBLIC FACILITIES & FINANCE COMMITTEES

- #265-08 HIS HONOR THE MAYOR requesting authorization to appropriate and expend one hundred fifty thousand five hundred eighty seven dollars (\$150,587) from capital stabilization for the purpose of restoration of the exterior of the Jackson Homestead. [7-8-08 @ 5:17 PM]
RECOMMITTED TO PUB FAC & FINANCE COMMITTEES ON 10-20-08
PUBLIC FACILITIES APPROVED 1-0-3 (Lennon, Albright and Mansfield abstaining, Salvucci and Gentile not voting) on 10-22-08
FINANCE APPROVED AS AMENDED 4-2-1 @ \$122,976 (Lennon and Gentile opposed; Johnson abstaining) on 10-27-08

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

- #261-08 ALD. SANGIOLO requesting discussion with the Executive Department regarding moving the Director of Arts in the Parks' salary to the Arts in the Parks revolving account. [07-08-08 @ 1:29 PM]
PROGRAM AND SERVICES HELD 7-0 (Baker not voting) on 09-17-08

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

- #260-08 ALD. SANGIOLO proposing the establishment of a revolving account to receive contributions and rental income to go directly to fund branch libraries for each individual branch. [07-08-08 @ 1:29 PM]
PROGRAM AND SERVICES APPROVED AS AMENDED 5-0-3 (Baker, Freedman and Hess-Mahan abstaining) on 09-03-08
HELD 6-0 (Johnson not voting) on 09-22-08

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

- #259-08 ALD. SANGIOLO requesting discussion with the Executive Department regarding moving the salaries of the Parks & Recreation Commissioner and the Recreation Programs Director to the revolving accounts for various programs. [07-08-08 @ 1:28 PM]
PROGRAM AND SERVICES HELD 7-0 (Baker not voting) on 09-17-08

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

- #258-08 ALD. SANGIOLO requesting discussion with the Executive Department regarding reorganization of senior transportation services and establishment of intra-village transportation systems. [07-08-08 @ 1:29 PM]
PROGRAM & SERVICES HELD 7-0 on 01-07-09

- #213-08 ALD. LINKSY, JOHNSON, ALBRIGHT, FREEDMAN, HARNEY, HESS-MAHAN, VANCE, MANSFIELD & PARKER requesting the evaluation of the following in conjunction with the contemplated conversion of general fund monies from operational budget uses to debt service use in regard to the Newton North High School project:
- (a) the impact on city and/or school services,
 - (b) the process by which criteria and prioritization will be established when choices need to be made between services, and
 - (c) whether additional revenue will be required in the form of debt exclusions or otherwise. [04-29-08 @ 11:26 AM]

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

- #207-08 ALD. BRANDEL AND SANGIOLO proposing that the following question be put before the Newton voters:
- “Shall the City of Newton be allowed to exempt from the provisions of Proposition 2 ½ the amounts required to pay for the bond issuance in order to fund Newton North High School?” [05-21-08 @ 12:58 PM]
- PROGRAM & SERVICES HELD 7-0 (Parker not voting) on 03-04-09**

REFERRED TO PUB. SAFETY & TRANSPORTATION & FINANCE COMMITTEES

- #174-08(2) PUBLIC SAFETY/TRANSPORTATION COMMITTEE proposing changes to the rate structure and/or enforcement hours for parking meters as well as installation of additional meters citywide. [06-18-08 @ 8:00 PM]
- PUBLIC SAFETY & TRANSPORTATION HELD 7-0 on 04-15-09**

REFERRED TO COMMUNITY PRESERVATION & FINANCE COMMITTEES

- #147-08 COMMUNITY PRESERVATION COMMITTEE recommending that the sum of \$359,400, including \$2,000 for legal costs, be appropriated from the FY'08 Community Preservation Fund's historic resources and general reserves, for a project to rehabilitate and expand storage space for the research library and archives at the Newton History Museum, to preserve the existing collections, and enhance public access to the collections. [04-01-08 @ 4:10 PM]
- COMMUNITY PRESERVATION APPROVED 6-0 on 4-29-08**
- (A) DESIGN FUNDS ESTIMATE \$37,500.00**
- (B) BALANCE OF PROJECT ESTIMATE \$321,900.00**
- Voice vote APPROVED Motion to amend docket to add referral to Public Facilities Committee on 5-19-08.**
- FINANCE APPROVED (A) Design Funds at \$37,500 6-0 on 07-21-08**
- FINANCE HELD (B) Balance of Project on 07-21-08**

REFERRED TO PROG. & SERV., PUB.FAC. AND FINANCE COMMITTEES

- #89-08 ALD. PARKER requesting the following:
- A) review of the maintenance practices for buildings, parks and other properties owned by the City (including School Department facilities and grounds)
 - B) development of a comprehensive maintenance plan that includes regular schedules for preventive maintenance for each specific site or facility
 - C) a RESOLUTION requesting that implementation of said maintenance plan be funded using operating budget funds.
- [02-13-08 @ 12:07 PM]

**PROGRAMS AND SERVICES HELD 6-0 (Freedman not voting)
on 04-09-08**

REFERRED TO PROG & SERV, PUB FAC AND FINANCE COMMITTEES

- #54-08(3) PUBLIC FACILITIES COMMITTEE offering a RESOLUTION to His Honor the Mayor requesting that he request and receive from the State Treasurer a review of the project plans and a review of the project's finance plan and submit said reviews to the Board of Aldermen in order to preserve cost-saving options.
- PROGRAMS & SERVICES APPROVED 4-2-1 (Baker and Hess-Mahan opposed; Merrill abstaining; Parker not voting) on 03-12-08**
- PUBLIC FACILITIES APPROVED 5-3 (Gentile, Salvucci, Schnipper opposed) on 02-20-08**

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #33-08 ALD. COLETTI requesting review of the scope of work and performance of Turner Construction and review of proposed 18-month extension of the Turner Construction contract. Included in discussion will be the process for review of future invoices of Dimeo and other vendor invoices by Turner. [01-15-08 @ 11:14]
- PUBLIC FACILITIES NO ACTION NECESSARY 7-0 on 12-03-08**
- HELD 6-0 on 12-08-08**

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #31-08 ALD. COLETTI proposing a RESOLUTION to His Honor the Mayor expressing a no confidence vote pertaining to the current status of the Newton North High School Construction Project and related Financing Plan. [01-15-08 @ 11:14 AM]

REFERRED TO PUB. SAFETY & TRANS. AND FINANCE COMMITTEES

- #30-08 ALD. COLETTI requesting a list of current vacancies in the Police, Fire and Public Works Departments, with specific discussion in Committee relative to Police Department vacancies. [01-15-08 @ 11:15 AM]
- PUBLIC SAFETY & TRANSPORTATION HELD 7-0 on 01-21-09**
- HELD 8-0 on 09-08-08**

ITEM RECOMMITTED TO PUBLIC FACILITIES AND FINANCE ON 6/19/08
REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #11-08 HIS HONOR THE MAYOR requesting an appropriation in the amount of \$1,200,000 from bonded indebtedness for the purpose of funding the installation of four modular classrooms. [01-02-08 @ 4:53 P.M.]

B) \$1,225,000 from bonded indebtedness

NOTE: Letter received from Mayor on 1/4/08 requesting that appropriation amount be amended to \$1.3 million. Letters received 5/7 and 5/21 requesting that the funding source to capital stabilization for costs incurred for design work and the remaining \$1,225,000 from bonded indebtedness be voted no action necessary. Part A) \$75,000 from Capital Stabilization approved on 6/19/08.

- #207-07(4) ALD. COLETTI proposing that the city's Financial Management Guidelines adopted under board order #207-07 be amended to allow the adjustment of self-funded health insurance plan rates in the event that rates and any accumulated excess resources not meet actual resource requirements. [7-2-08 @12:12 PM]

HELD 8-0 on 09-08-08

- #207-07(3) ALD. COLETTI proposing that the sum of \$300,000 be removed from various municipal and school department budgets for FY09 and placed in a separate "employee compensation" reserve account until the Mayor and School Committee present to the Board of Aldermen performance pay plan policies. [7-2-08 @12:12 PM]

HELD 8-0 on 09-08-08

- #207-07(2) ALD. COLETTI proposing that the city's Financial Management Guidelines adopted under board order #207-07 be amended, effective FY10, as follows:
- (A) total resources devoted to all forms of employee compensation shall not exceed the estimated growth in total general fund revenue for the following fiscal year;
 - (B) funds for salary and wage adjustments shall not exceed the difference between total estimated revenue growth and resources needed to fund growth in health/dental and life insurance benefits and growth in the actuarial required contribution for the city's retirement system for each fiscal year;
 - (C) if collective bargaining contracts are not resolved at the time of budget submission, funds budgeted for such contracts shall be held in "municipal and compensation" reserve. [7-2-08 @12:12 PM]

HELD 5-0 (Parker and Johnson not voting) on 02-23-09

REFERRED TO PROGRAMS AND SERVICES AND FINANCE COMMITTEES

- #83-07 ALD. YATES requesting that the City of Newton take all possible steps to persuade the General Court to adopt the proportion of Governors Municipal Partnership that would allow the City to reduce employee health insurance costs by joining the Group Insurance Commission. [02-27-07 @ 10:21 PM]

PROGRAM & SERVICES HELD 6-0 on 02-04-09

**ITEM RECOMMITTED TO PUB. FACIL. & FINANCE COMMITTEES 3/19/07:
REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES**

#76-07 HIS HONOR THE MAYOR requesting an appropriation in the amount of \$300,000 from Free Cash for the purpose of conducting a study of the municipal buildings throughout the city. [02-27-07 @ 4:16 PM]

**PUB FACILITIES APPROVED 6-0-1 (Gentile abstaining) on 03-07-07
FINANCE MOTION TO APPROVE FAILED TO CARRY 2-4-1 (Lennon, Salvucci, Gentile and Coletti opposed; Linsky abstaining) on 3-12-07
PUBLIC FACILITIES APPROVED AS AMENDED 5-0 @ \$250,000 on 10-15-07**

#453-06 LEON JR. AND MARION D. SEMONIAN, 373 Dedham Street, requesting total abatement of betterment assessment in the amount of \$2,690 (assessed for sidewalk/curbing/road improvements to Countryside Road and Patten Circle). [11-16-06 @ 11:02 AM]

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

#345-06 ALD. SCHNIPPER requesting that the contingency on smaller Public Buildings projects be increased from 5% to at least 8%.

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

#267-06(3) ALD. PARKER, BURG, LINSKY, FISCHMAN, HESS-MAHAN, VANCE, HARNEY, JOHNSON, & DANBERG proposing Home Rule Legislation authorizing the City of Newton to apply the ordinance proposed in item #267-06(2) to assets held by the City's retirement system.

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

#245-06 ALD. JOHNSON AND HESS-MAHAN requesting an amendment to the City Charter to require the Mayor annually to prepare and submit to the Board of Aldermen a long-term financial forecast of anticipated revenue, expenditures and the general financial condition of the City, including, but not limited to identification of any factors which will affect the financial condition of the City; projected revenue and expenditure trends; potential sources of new or expanded revenues; anticipated municipal needs likely to require major expenditures; and a strategic plan for meeting anticipated municipal needs, to include, but not be limited to, any long or short-term actions that may be taken to enhance the financial condition of the City.

PROGRAM & SERVICES HELD 8-0 on 11-05-08

#93-06(2) ROBERT E. & ANNE M. SULLIVAN, 391 Dedham Street, applying for abatement of a street betterment assessment in the amount of \$15,880 levied by the Board of Aldermen in Board Order #93-06 which improved Countryside Road by the laying out, grading and acceptance of it as a public way. [07-02-07 @ 2:24 PM]

HELD 5-0 on 02-11-08

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

- # 35-06 ALD. JOHNSON AND HESS-MAHAN requesting discussion with the School Department and School Committee members regarding the results of the studies addressing compensation for management and executive personnel and organizational structure of central administrative salaries.

**PROGRAM & SERVICES NO ACTION NECESSARY 6-0 on 04-18-07
HELD 6-0 (Salvucci and Gentile not voting) on 10-27-08**

- #29-06 ALD. JOHNSON AND PARKER requesting creation of a Citizen Financial Advisory Committee to work with city officials and staff to facilitate bench markers, strategic planning, and other initiatives to improve the financial operation of the City.
(President's Note: While not formally referred to the Long Range Planning Committee, this item might usefully be discussed there in light of prior discussions of similar issues.)

**ITEM RECOMMITTED ON 3-5-07 TO FINANCE COMMITTEE ONLY:
REFERRED TO PROGRAMS AND SERVICES AND FINANCE COMMITTEES**

- #23-06 ALD PARKER AND LINSKY requesting that the City adopt §19 of MGL Chapter 32B to allow retiree coalition bargaining of health care benefits
**PROGRAM AND SERVICES NO ACTION NECESSARY 4-0-2 (Parker and Merrill abstaining; Sangiolo not voting) on 03-08-06
FINANCE NO ACTION NECESSARY 5-0-3 (Lennon, Linsky and Parker abstaining) on 02-12-07
HELD 8-0 on 09-08-08**

- #209-05 ALD. STEWART requesting that the Mayor provide the Board of Aldermen with a list of all salaried City employees who receive additional compensation (other than overtime) along with an explanation of the exact reasons for said additional payments.

REFERRED TO PS&T., FINANCE AND PROG & SERV. COMMITTEES

- #273-04(3) ALD. GENTILE requesting home rule legislation to reclassify the two "dedicated fire apparatus mechanic" positions from Group 1 to Group 2 in the State Retirement System. [02/13/09 @ 4:11 pm]
**PUBLIC SAFETY & TRANSPORTATION MOTION TO APPROVE
FAILED TO CARRY 3-3-1 (Fischman, Ciccone, Coletti; Harney, Danberg and Linsky opposed; Swiston abstaining) on 04-15-09
PROGRAM & SERVICES APPROVED 5-0-1 (Freedman abstaining; Brandel and Sangiolo not voting) on 04-15-09**

REFERRED TO PROG. & SERVICES AND FINANCE COMMITTEES

- #264-03(3) ALD. JOHNSON AND BAKER requesting update on the work of the Taxation Aid Committee established by the Board of Aldermen in March 2004 in administering aid to the elderly taxation fund.
PROGRAM & SERVICES HELD 6-0 (Parker not voting) on 04-23-08

REFERRED TO ZONING & PLANNING AND FINANCE COMMITTEES

- #168-02 HIS HONOR THE MAYOR requesting that the Board of Aldermen establish new civil fines under Section 20-21 of the City of Newton Ordinances for the violation of various environmental provisions enforced by the Conservation Commission.
ZONING & PLANNING APPROVED 6-0 on 12-13-04
HELD 7-0 on 02-14-05

REFERRED TO PUBLIC FACILITIES & FINANCE COMMITTEES

- #55-02 ALD. YATES requesting that the water/sewer discount rate be made available to homeowners who receive Fuel Assistance, Supplementary Security Income, Food Stamps, Supplementary Disability Income, General Relief, Low Income Sewer and Water Assistance, School Breakfast and Lunch and other income based State and Federal programs.
PUBLIC FACILITIES APPROVED 6-0 on 06-16-04

REFERRED TO PROG. & SERV., PUB. FAC. AND FINANCE COMMITTEES

- #309-01 ALD. PARKER requesting increase in the income eligibility level of the 30% water/sewer discount for low-income senior citizens.

Respectfully Submitted,

Paul E. Coletti, Chairman

Y PF



David B. Cohen
Mayor

City of Newton, Massachusetts
Office of the Mayor

#131-09

#131-09

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March 12, 2009

09 MAY 12 PM 5:01
CITY CLERK
NEWTON, MA 02459

Honorable Board of Aldermen
Newton City Hall
1000 Commonwealth Avenue
Newton, MA 02459

Ladies and Gentlemen:

I write to request that your Honorable Board amend item #131-09 to change the funding source from budget reserve to capital stabilization. This request for \$80,000 is for funds to replace the ATC at the library.

Thank you for your consideration of this matter.

Very truly yours,

David B. Cohen
Mayor

DBC: srb

From: Capital Stabl.
Fund

39B104-5901 80,000

To: L. bray NVAC
0115029-52407

80,000

1000 Commonwealth Avenue Newton, Massachusetts 02459

www.ci.newton.ma.us



DEDICATED TO COMMUNITY EXCELLENCE

05/13/2009

13109
APR 28
F



David B. Cohen
Mayor

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#131-09

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April 28, 2009

Honorable Board of Aldermen
Newton City Hall
1000 Commonwealth Avenue
Newton, MA 02459

Ladies and Gentlemen:

I write to request that your Honorable Board docket for consideration a request appropriate the sum of eighty thousand dollars (\$80,000) from budget reserve for the purpose of upgrading the automatic temperature control system at the library. The current system is causing various electrical systems (including air handling and cooling) to run continuously. This replacement will improve the efficiency of these systems resulting in cost savings.

Thank you for your consideration of this matter.

Very truly yours,

David B Cohen srb

David B. Cohen
Mayor

DBC: srb

From: BUDGET RESERVE 80,000
(0110498-5790)
To: LIBRARY TEMP. CONTROL SYSTEM
C115029-5240 80,000

1000 Commonwealth Avenue Newton, Massachusetts 02459

www.ci.newton.ma.us



DEDICATED TO COMMUNITY EXCELLENCE

09 APR 28 PM 6:04
CITY CLERK
NEWTON, MA. 02159

Am 04/29/2009

City of Newton

David B. Cohen
Mayor

PUBLIC BUILDINGS DEPARTMENT

A. NICHOLAS PARNELL, AIA, COMMISSIONER

Telephone: (617) 796-1600

Fax: (617) 796-1601

TTY: (617) 796-1089

52 ELLIOT STREET

NEWTON HIGHLANDS, MA 02461-1605

April 28, 2009

The Honorable David B. Cohen
Mayor
Newton City Hall
1000 Commonwealth Avenue
Newton Centre, MA 02459

RE: Main Library ATC Upgrade

Dear Mayor Cohen:

The Public Buildings Department respectfully requests the sum of \$ 80,000.00 to design, replace and upgrade the Automatic Temperature Control System at the Main Library. This item was identified in the Capital Improvement Plan. We make this request now to address immediate concerns surrounding the costs savings that will occur during the upcoming cooling and subsequent heating season.

Should you have any questions regarding this matter, please feel free to contact my office.

Sincerely,

A. Nicholas Parnell, AIA
Commissioner of Public Buildings09 APR 28 PM 6:04
CITY CLERK
NEWTON, MA. 02459

ANP:dla

CC: Sandy Pooler, Chief Administrative Officer
Susan Burstein, Chief Budget Officer
Arthur F. Cabral, Budget & Project Specialist
Josh Morse, HVAC Technologist
Jayne Colino, Senior Center Director



CITY OF NEWTON, MASSACHUSETTS

CITY HALL

1000 COMMONWEALTH AVENUE

NEWTON CENTRE, MA 02459


TELEPHONE (617) 796-1305

dwilkinson@newtonma.gov

David Wilkinson, Comptroller

May 26, 2009

TO: Finance Committee

FROM: David Wilkinson, Comptroller 

SUBJECT: June 1, 2009 Finance Committee "First Call" Report

Docket item #197-07(4): Mayor requesting rescission of \$25 in authorized but unissued debt for fire station improvements. The Mayor and Board of Aldermen have previously authorized \$2,488,025 for fire station improvements. Of this sum all but \$25 has been issued. The objective of this docket item is to close out the \$25 unissued balance prior to fiscal year end.

Docket item #148-09: Treasurer requesting an appropriation in the amount of \$90,260 to pay debt issuance costs incurred in connection with the City's April 1, 2009 sale of \$91,010,000 in general obligation bonds of the City. Although an appropriation was included in the treasurer's annual operating budget for debt issuance costs for many years, the Mayor's Office eliminated this item from the budget several years ago since the actual amount of the bond sale was not known at budget time. This appropriation provides funding for liabilities to bond counsel; the City's financial advisor; and Moody's Investor Service. The source of the appropriation is the City's Capital Stabilization Fund, which will have an unobligated balance of \$15.3 after funding of this item.

Docket item #149-09: Human Resources Director requesting authorization to transfer \$25,000 from Human Resources Department fringe benefit appropriations expense appropriations to fund extraordinary and unforeseen legal and consulting fees incurred in connection with current year arbitration cases. When the fiscal year 2009 operating budget was prepared, the Mayor and Human Resources Director requested an appropriation of \$477,290 for unemployment compensation purposes. Ten months into the fiscal year, a total of \$146,481 of this sum has been expended, leaving a balance of \$330,809 for May and June unemployment bills. Since, however, the unemployment compensation appropriation is part of the fringe benefit appropriation, Board of Aldermen approval is necessary in order to transfer funds to an expense budget line item.

Docket item #113-09: Human Resources Director requesting authorization to transfer \$75,000 from the Human Resources Department's fringe benefit appropriation to fund extraordinary and unforeseen municipal employee workers compensation medical benefits. Like docket item #149-09, this transfer is recommended from the surplus balance in the Human Resources Department unemployment compensation benefit account. Total year to date municipal employee workers compensation medical expenditures are \$250,794, compared to \$96,689 for the first eleven months of last fiscal year.

Docket item #129-09: Community Preservation Committee requesting authorization to transfer \$2,600 from the Community Preservation Fund administrative budget's appropriation for subsidizing legal and engineering services to printing and advertising accounts. A vote of the Board of Aldermen is necessary for this transfer because funding for legal and engineering services is not included within the expense appropriation unit. The fiscal year 2009 budget included \$60,000 for legal and engineering services. To date, the Community Preservation Committee has approved \$5,201 in engineering services charges and \$13,875 in legal services charges, leaving an unobligated balance of \$40,924.

Docket item #114-09: Veteran Services Director requesting an additional veteran benefit appropriation in the amount of \$16,000 from budget reserve, in order to meet statutory veteran benefit obligations through the balance of the current fiscal year. A total of \$30,500 was included in the current year budget for veteran benefit purposes, 75% of which are reimbursed by the Commonwealth the following fiscal year. A total of \$38,618 has been expended to date. The current unobligated balance in the fiscal year 2009 budget reserve appropriation is \$764,263.

Docket item # 115-09: Fire Chief: requesting authorization to expend \$85,154 in Massachusetts Highway Department grant funds for purposes of replacing fire alarm communication lines and equipment that must be replaced in conjunction with reconstruction of Commonwealth Avenue. Board of Aldermen authorization is necessary in order for the Fire Department to expend funds approved by the Massachusetts Highway Department.



David B. Cohen
Mayor

City of Newton, Massachusetts
Office of the Mayor

#197-07(4)

Telephone
(617) 796-1100

Telefax
(617) 796-1113

TDD
(617) 796-1089

E-mail
dcohen@newtonma.gov

May 12, 2009

09 MAY 12 PM 5:02
CITY CLERK
NEWTON, MA 02459

Honorable Board of Aldermen
Newton City Hall
1000 Commonwealth Avenue
Newton, MA 02459

Ladies and Gentlemen:

I write to request that your Honorable Board docket for consideration a request to amend board order #196-07(2) that authorized bonded indebtedness. Bonds were issued pursuant to this order in April with a balance of \$25 remaining authorized and unissued. The purpose of this request is to rescind this authorized but unissued debt to keep the City's books clean for year end reviews.

Thank you for your consideration of this matter.

Very truly yours,

David B. Cohen
Mayor

DBC: srb

From: FIVE Station
Imp. AUTH +
unissued

J1-37985004 25.00

To: Bonds AUTH +
unissued

J1-379 25.00

1000 Commonwealth Avenue Newton, Massachusetts 02459

www.ci.newton.ma.us

★
DEDICATED TO COMMUNITY EXCELLENCE

RA 05/13/09



David B. Cohen
Mayor

City of Newton, Massachusetts
Office of the Mayor

#148-09
#148-09
Telephone
(617) 796-1100
Telefax
(617) 796-1113
TDD
(617) 796-1089
E-mail
dcohen@newtonma.gov

May 12, 2009

Honorable Board of Aldermen
Newton City Hall
1000 Commonwealth Avenue
Newton, MA 02459

Ladies and Gentlemen:

I write to request that your Honorable Board docket for consideration a request to appropriate ninety thousand two hundred sixty dollars (\$90,260) from Capital Stabilization for the purpose of paying issuance costs related to the sale of bonds in March 2009.

Thank you for your consideration of this matter.

Very truly yours,

David B. Cohen
Mayor

DBC: srb

From: Capital Stabilization
Fund

398104-5901 90,260

To: Treasury Expense
0110701-5316

90,260

ACW
05/13/09

1000 Commonwealth Avenue Newton, Massachusetts 02459

www.ci.newton.ma.us



DEDICATED TO COMMUNITY EXCELLENCE



David B. Cohen

Mayor

City of Newton, Massachusetts
Office of the Mayor

#149-09

Telephone
(617) 796-1100

Telefax
(617) 796-1113

TDD
(617) 796-1089

E-mail
dcohen@newtonma.gov

May 26, 2009

09 MAY 26 PM 5:53
CITY CLERK
NEWTON, MA. 02159

Honorable Board of Aldermen
Newton City Hall
1000 Commonwealth Avenue
Newton, MA 02459

Ladies and Gentlemen:

I write to request that your Honorable Board amend docket item #149-09 by increasing the transfer from Unemployment in Human Resources to Human Resources Consultants to \$13,000. The Human Resources Department will be available to answer any questions you may have during your committee deliberations.

Thank you for your consideration of this matter.

Very truly yours,

David B. Cohen
Mayor

DBC: srb

1000 Commonwealth Avenue Newton, Massachusetts 02459

www.ci.newton.ma.us



DEDICATED TO COMMUNITY EXCELLENCE



David B. Cohen
Mayor

City of Newton, Massachusetts
Office of the Mayor

#149-09

Telephone
(617) 796-1100

Telefax
(617) 796-1113

TDD
(617) 796-1089

E-mail
dcohen@newtonma.gov

May 12, 2009

Honorable Board of Aldermen
Newton City Hall
1000 Commonwealth Avenue
Newton, MA 02459

Ladies and Gentlemen:

I write to request that your Honorable Board docket for consideration a transfer of \$12,000 from Unemployment in Human Resources to Legal Services and \$4,000 from Unemployment to Human Resources Consultants. This sum is to cover anticipated costs to be incurred prior to year end. The Human Resources Department will be available to answer any questions you may have during your committee deliberations.

Thank you for your consideration of this matter.

Very truly yours,

David B. Cohen
Mayor

DBC: srb

From HUMAN RESOURCES
FRINGE BENEFITS
0110901-5702 16,000

To: HUMAN RESOURCES
EXPENSES
0110901-5301 4,000
0110901-5309 12,000

1000 Commonwealth Avenue Newton, Massachusetts 02459

www.ci.newton.ma.us

★
DEDICATED TO COMMUNITY EXCELLENCE

RAW 05/13/09

09 MAY 12 PM 5:02
CITY CLERK
NEWTON, MA 02159

City of Newton



David B. Cohen
Mayor

DEPARTMENT OF HUMAN RESOURCES

1000 Commonwealth Avenue
Newton Centre, MA 02459-1449

Telephone (617) 796-1260
FAX (617) 796-1272

Dolores M. Hamilton, Director

May 12, 2009

Mayor David B. Cohen
Honorable Board of Aldermen
City of Newton
1000 Commonwealth Avenue
Newton Centre, MA 02459

09 MAY 12 PM 5:02
CITY CLERK
NEWTON, MA 02159

Dear Mayor Cohen and Honorable Board of Aldermen:

I am writing to you at this time to request that the sum of \$12,000.00 be transferred from the Human Resources Unemployment Benefits Account #0110901-5702 to the Human Resources Legal Services Account #0110901-5309. In addition, I am also requesting to transfer the sum of \$4000.00 from the Human Resources Unemployment Benefits Account #0110901-5702 to the Human Resources Consultants Accountant #0110901-5702. These transfers will allow the Human Resources Department to pay legal and consulting fees related to multiple pending arbitrations through the remainder of FY 09.

I respectfully request and recommend a favorable consideration to this request in order to meet the obligation of the City of Newton through June 30, 2009.

Sincerely,

A handwritten signature in dark ink, appearing to read "Dolores Hamilton", is written over a horizontal line.

Dolores Hamilton
Director of Human Resources

F-11309



David B. Cohen
Mayor

City of Newton, Massachusetts
Office of the Mayor

#113-09

Telephone
(617) 796-1100
Telefax
(617) 796-1113
TDD
(617) 796-1089
E-mail
dcohen@newtonma.gov

April 14, 2009

09 APR 14 PM 5:33
CITY CLERK
NEWTON, MA 02459

Honorable Board of Aldermen
Newton City Hall
1000 Commonwealth Avenue
Newton, MA 02459

Ladies and Gentlemen:

I write to request that your Honorable Board docket for consideration a transfer of \$75,000 from Unemployment to the Municipal Worker's Compensation Medical Account. This need is the result of recent medical procedures that were more costly than could have been anticipated. The Human Resources Department will be available to answer any questions you may have during your committee deliberations.

Thank you for your consideration of this matter.

Very truly yours,

David B. Cohen
Mayor

DBC: srb

From: Human Resources
0110901-5702

75,000

To: TRANSF TO WORKERS Comp. Fund
0110492-57500

75,000

(Ra)

04/16/2009

1000 Commonwealth Avenue Newton, Massachusetts 02459

www.ci.newton.ma.us



DEDICATED TO COMMUNITY EXCELLENCE

City of Newton

DEPARTMENT OF HUMAN RESOURCES



David B. Cohen
Mayor

1000 Commonwealth Avenue
Newton Centre, MA 02459-1449

Telephone (617) 796-1260

Fax (617) 796-1272

TTY (617) 796-1089

Dolores M. Hamilton, Director

April 14, 2009

Mayor David B. Cohen
Honorable Board of Aldermen
City of Newton
1000 Commonwealth Avenue
Newton Centre, MA 02459

09 APR 14 PM 5:33
CITY CLERK
NEWTON, MA 02159

Dear Mayor Cohen and Honorable Board of Aldermen:

The City of Newton Workers' Compensation budget has recently seen a dramatic increase in expenditures due to an increasing number of surgical and specialized surgical procedures, as well as hospitalizations, which were performed on our employees as a result of work related injuries.

I am writing to you at this time to request the transfer of \$75,000.00 from the City's Unemployment Account (0110901-5702) into the Municipal Workers' Compensation Medical Account (42A109A-5371).

I respectfully request and recommend a favorable consideration to this request in order to meet the obligation of the City of Newton through June 30, 2009.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Dolores Hamilton".

Dolores Hamilton
Director of Human Resources

BOARD OF ALDERMEN

09 APR 24 PM 3:57 CITY OF NEWTON

CITY CLERK
NEWTON, MA. 02159

DOCKET REQUEST FORM

DEADLINE NOTICE: Aldermanic Rules require items to be docketed with the Clerk of the Board NO LATER THAN 7:45 P.M. TUESDAY, PRIOR TO THE MONDAY FULL BOARD MEETING in order to be voted to be assigned to Committee(s) that evening.

To: Clerk of the Board of Aldermen

Date: 16 April 2009

From (Docketer): Alice E. Ingerson, for Community Preservation Committee

Address/phone/email: Planning & Development Dept., Newton City Hall, aingerson@newtonma.gov,

617.796.1144

Additional sponsors:

From: Admin - TRANS TO Admin - EXPENSES
21210495-5421 21600
21210495-5401 (2,600)

1. Please docket the following item (edit if necessary):

The Community Preservation Committee requesting to transfer \$2,600 within the Community Preservation Program's current-year (fiscal 2009) administrative budget from personnel to "other costs."

2. The purpose and intended outcome of this item is:

- ☐ Fact-finding & discussion
☒ Appropriation, transfer, expenditure, or bond authorization
☐ Special permit, site plan approval, zone change (public hearing required)

- ☐ Ordinance change
☐ Resolution
☐ License or renewal
☐ Appointment confirmation
☐ Other

RG
04/30/2009

3. I recommend that this item be assigned to the following committees:

- | | | |
|---|---|--|
| <input type="checkbox"/> Programs & Services | <input checked="" type="checkbox"/> Finance | <input type="checkbox"/> Real Property |
| <input type="checkbox"/> Zoning & Planning | <input type="checkbox"/> Public Safety | <input type="checkbox"/> Special Committee |
| <input type="checkbox"/> Public Facilities | <input type="checkbox"/> Land Use | <input type="checkbox"/> No Opinion |
| <input checked="" type="checkbox"/> Post Audit & Oversight | | |
| <input checked="" type="checkbox"/> Committee on Community Preservation | | |
| <input checked="" type="checkbox"/> Please let me know if any additional committees would like to consider this item. | | |

4. This item should be taken up in committee:

- ☐ Immediately (Emergency only, please). Please state nature of emergency: _____
☒ As soon as possible, preferably within a month
☐ In due course, at discretion of Committee Chair
☐ When certain materials are made available, as noted in 7 & 8 below
☐ Following public hearing

PLEASE FILL OUT REVERSE SIDE

5. I estimate that consideration of this item will require approximately:

- | | |
|---|--|
| <input checked="" type="checkbox"/> One half hour or less | <input type="checkbox"/> Up to one hour |
| <input type="checkbox"/> More than one hour | <input type="checkbox"/> An entire meeting |

☐ More than one meeting☐ Extended deliberation by subcommittee

6. **The following people should be notified and asked to attend deliberations on this item. (Please check those with whom you have already discussed the issue, especially relevant Department Heads):**

City personnel
Alice Ingerson

Citizens (include telephone numbers/email please)

7. **The following background materials and/or drafts should be obtained or prepared by the Clerk's office prior to scheduling this item for discussion *:**
8. **I ☒ have or ☐ intend to provide additional materials and/or undertake the following research independently prior to scheduling the item for discussion. ***

Cover memo and Comptroller's detailed breakdown of proposed administrative budget revision. Board approval is required only for the portion of this revision transferring resources from personnel to "other costs."

Please check the following:

9. ☐ **I would like to discuss this item with the Chairman before any decision is made on how and when to proceed.**
10. ☒ **I would like the Clerk's office to contact me to confirm that this item has been docketed,**
☒ **and inform me of the docket item number.**

Email contact preferred: aingerson@newtonma.gov

My daytime phone number is: 617.796.1144

11. ☒ **I would like the Clerk's office to notify me when the Chairman has scheduled the item for discussion.**

Thank you.

Alice E. Ingerson

Signature of person docketing the item

[Please retain a copy for your own records]

City of Newton

David B. Cohen
Mayor

City of Newton, Massachusetts

Community Preservation Committee

MEMORANDUM


 09 APR 24 PM 3:56
 CITY CLERK
 NEWTON, MA. 02159

DATE: 16 April 2009

TO: The Honorable Board of Aldermen,
Committee on Community Preservation & Finance CommitteeCC: David Wilkinson, Comptroller
Mike Kruse, Director of Planning & DevelopmentFROM: Community Preservation Committee, via
Alice E. Ingerson, Community Preservation Program Manager

ABOUT: requested revision of current-year (fiscal 2009) administrative budget

On 18 March 2009, the CPC voted 8-0 to request the Board approval required to transfer a small amount from personnel to "other costs" within the program's administrative budget.

From:	acct. 21Z10499-5901 ("transfer to general fund," used for engineering & legal services)	\$2,600
To:	accts. 21Z114- for other costs (printing, advertising/ publications, office supplies, signage)	\$2,600

The proposed revision has no net impact on the budget. A more detailed breakdown from the Comptroller is attached

Overall the proposed revision reflects a projected year-end surplus in the "from" category, and updated needs in the "to" categories, including one-time costs for a new tape recorder, etc.

CONTACT: Alice E. Ingerson, Community Preservation Program Manager,
aingerson@newtonma.gov, 617.796.1144

20-Mar-09

From D. Wilkinson, Comptroller to A. Ingerson, Community Preservation Program Manager

Newton Community Preservation Program Fiscal 2009 Administrative Budget - Requested Revision

			Existing Budget			All Proposal	
			Original		Revised	Proposed	Proposed
			Budget	Revisions	Budget	Revisions	Budget
21Z10491	5707	NCRS PENSION CONTB	\$ 2,165.00	\$ -	\$ 2,165.00	\$ -	\$ 2,165.00
21Z10499	5901	TRANSFER TO GENERAL FUND	60,000.00	-	60,000.00	(11,000.00)	49,000.00
21Z114	511001	FULL TIME SALARIES	101,367.00	(22,706.00)	78,661.00	1,400.00	80,061.00
21Z114	512001	SEASONAL WAGES	-	-	-	-	-
21Z114	513001	REGULAR OVERTIME	-	-	-	-	-
21Z114	513004	WORK BY OTHER DEPTS.	-	22,706.00	22,706.00	-	22,706.00
21Z114	515102	CLEANING ALLOWANCE	-	-	-	-	-
21Z114	5301	CONSULTANTS	3,000.00	-	3,000.00	7,000.00	10,000.00
21Z114	530203	ENGINEERING SERVICES	-	-	-	-	-
21Z114	5341	POSTAGE	400.00	-	400.00	-	400.00
21Z114	5342	PRINTING	700.00	-	700.00	200.00	900.00
21Z114	5343	ADVERTISING/PUBLICATIONS	800.00	-	800.00	1,200.00	2,000.00
21Z114	5420	OFFICE SUPPLIES	300.00	-	300.00	200.00	500.00
21Z114	5548	SIGNS	-	-	-	1,000.00	1,000.00
21Z114	5710	VEHICLE USE REIMBURSEMENT	-	-	-	-	-
21Z114	5711	IN-STATE CONFERENCES	-	-	-	-	-
21Z114	5730	DUES & SUBSCRIPTIONS	7,500.00	-	7,500.00	-	7,500.00
21Z114	57DENTAL	DENTAL INSURANCE	-	-	-	-	-
21Z114	57HLTH	HEALTH INSURANCE	-	-	-	-	-
21Z114	57LIFE	BASIC LIFE INSURANCE	57.00	-	57.00	-	57.00
21Z114	57MEDA	MEDICARE PAYROLL TAX	1,470.00	-	1,470.00	-	1,470.00
TOTAL - CPA ADMINISTRATION			\$ 177,759.00	\$ -	\$ 177,759.00	\$ -	\$ 177,759.00
FY 2009 CPA FUND BUDGET AMENDMENT RECOMMENDATION							
From:	Transfer to General Fund						
	21Z10499-5901					\$ 11,000.00	
To:	Personal Services						
	21Z114-510101					1,400.00	
	Expenses						
	21Z114-5301					7,000.00	
	21Z114-5342					200.00	
	21Z114-5343					1,200.00	
	21Z114-5420					200.00	
	21Z114-5548					1,000.00	
	Sub-total					9,600.00	
	Total					\$ 11,000.00	



David B. Cohen
Mayor

City of Newton, Massachusetts
Office of the Mayor

#114-09

Telephone
(617) 796-1100

Telefax
(617) 796-1113

TDD
(617) 796-1089

E-mail
dcohen@newtonma.gov

May 26, 2009

Honorable Board of Aldermen
Newton City Hall
1000 Commonwealth Avenue
Newton, MA 02459

Ladies and Gentlemen:

I write to request that your Honorable Board amend docket item #114-09, a request for supplemental funding for veteran's benefits, to \$16,000. This additional \$3,000 results from additional veterans applying for benefits in the last few weeks.

The City of Newton of Newton provides benefits to eligible veterans under criteria established by state law. The payment of these benefits is mandatory. The City receives reimbursement of seventy-five percent (75%) of those payments from the State in the fiscal year following payment.

Thank you for your consideration of this matter.

Very truly yours,

David B. Cohen
Mayor

DBC: srb

09 MAY 26 PM 5:52
CITY CLERK
NEWTON, MA. 02159

1000 Commonwealth Avenue Newton, Massachusetts 02459

www.ci.newton.ma.us



DEDICATED TO COMMUNITY EXCELLENCE



David B. Cohen
Mayor

City of Newton, Massachusetts
Office of the Mayor

#114-09

Telephone
(617) 796-1100

Telefax
(617) 796-1113

TDD
(617) 796-1089

E-mail
dcohen@newtonma.gov

April 14, 2009

Honorable Board of Aldermen
Newton City Hall
1000 Commonwealth Avenue
Newton, MA 02459

Ladies and Gentlemen:

I write to request that your Honorable Board docket for consideration a request to appropriate thirteen thousand dollars (\$13,000) from Budget Reserve for the purpose of supplementing the FY09 appropriation for veterans' benefits.

The City of Newton of Newton provides benefits to eligible veterans under criteria established by state law. The payment of these benefits is mandatory. The City receives reimbursement of seventy-five percent (75%) of those payments from the State in the fiscal year following payment.

The payments the Veterans' Agent authorizes fluctuate each year, depending on how many veterans apply. Year to date approved requests have been averaging \$3500 per month but have been fluctuating with the increase in returning veterans and the difficult economic times. This request is an estimate of what will be necessary for the balance of FY09.

Thank you for your consideration of this matter.

Very truly yours,

David B. Cohen
Mayor

From: BUDGET RESERVE
0110498-5790 13,000

To: VETERAN SERVICES
EXPENSES
DBC: srb
0150301-5709 13,000

1000 Commonwealth Avenue Newton, Massachusetts 02459

www.ci.newton.ma.us



DEDICATED TO COMMUNITY EXCELLENCE

Law
04/16/2009

09 APR 14 PM 5:31
CITY CLERK
NEWTON, MA 02459



David B. Cohen
Mayor

City of Newton, Massachusetts
Office of the Mayor

#115-09

Telephone
(617) 796-1100

Telefax
(617) 796-1113

TDD
(617) 796-1089

E-mail
dcohen@newtonma.gov

April 14, 2009

09 APR 14 PM 5:31
CITY CLERK
NEWTON, MA. 02159

Honorable Board of Aldermen
Newton City Hall
1000 Commonwealth Avenue
Newton, MA 02459

Ladies and Gentlemen:

I write to request that your Honorable Board docket for consideration a request to accept and authorization the expenditure of a reimbursement grant from the Massachusetts Highway Department to the Fire Department of \$85,154. This grant will pay for the replacement of fire communications equipment in conjunction with the reconstruction of Commonwealth Avenue.

Thank you for your consideration of this matter.

Very truly yours,

David B. Cohen
Mayor

DBC: srb

1000 Commonwealth Avenue Newton, Massachusetts 02459

www.ci.newton.ma.us



DEDICATED TO COMMUNITY EXCELLENCE

#115-09



David B. Cohen
Mayor

CITY OF NEWTON, MASSACHUSETTS
FIRE DEPARTMENT HEADQUARTERS

1164 Centre Street, Newton Center, MA 02459-1584
Chief: (617) 796-2210 Fire Prevention: (617) 796-2230
FAX: (617) 796-2211 EMERGENCY: 911



Joseph E. LaCroix
Chief

April 13, 2009

Mayor Cohen and Members of the Board of Aldermen
Newton City Hall
1000 Commonwealth Avenue
Newton, Massachusetts

Dear Mayor Cohen and Members of the Board:

The Newton Fire Department has been awarded an \$85,154 reimbursement grant from the Commonwealth of Massachusetts Highway Department for fire communications system replacements necessary as a result of the reconstruction of Commonwealth Avenue from Grant Avenue to the Boston City line.

In accordance with the requirements of the municipal finance laws of the Commonwealth, I would respectfully request that the Mayor and Board of Aldermen authorize expenditure of these funds.

Respectfully,

A handwritten signature in black ink, appearing to read "A/C B. Proia".

Assistant Chief Bruce A. Proia

09 APR 14 PM 5:31
CITY CLERK
NEWTON, MA. 02459



DEVAL L. PATRICK
GOVERNOR

TIMOTHY P. MURRAY
LIEUTENANT GOVERNOR

THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF TRANSPORTATION
MASSACHUSETTS HIGHWAY DEPARTMENT

#115-09

EOT

BERNARD COHEN
SECRETARY

LUISA PALEWONSKY
COMMISSIONER

Utility Agreement Notice to Proceed

January 7, 2009

City of Newton Fire Department
1164 Centre Street
Newton Center, MA 02459-1584

Agreement Number: 57122
Action Item #: 13
Action Item Date: January 7, 2009

Dear Bruce Proia,

Enclosed is a signed copy of the Utility Agreement between the Massachusetts Highway Department and City of Newton Fire Department relative to a utility force agreement in the amount of \$85,154.00 regarding the relocation of facilities on Route 30 (Commonwealth Avenue) in Newton.

In accordance with the terms of your agreement, the District Highway Director shall notify your company when you are authorized to start the work described in this agreement. This notification may be upon completion of the Mass Highway pre-construction conference.

Thank you,

Tanya M. Barros
Director of Contracts & Records

TMB/lnc

CC: Utilities
CEPO
Audit
Project Management
Anthony Ferolito, D4 Construction
Fiscal
Contracts & Records

Completion Date: June 30, 2012

09 APR 14 PM 5:31
CITY CLERK
NEWTON, MA 02159

**THE COMMONWEALTH OF MASSACHUSETTS
MASSACHUSETTS HIGHWAY DEPARTMENT**

AGREEMENT

Type of Agreement: Utility Force Account ✓ Agreement #: 57122

Division 0433 Utilities Project I.D. #: 60189 09 APR 14 PM

Project/Location: Newton - Route 30 (Commonwealth Avenue) CITY CLERK
NEWTON, MA. 02459-1584

Vendor/Party Name and Address: City of Newton Fire Department

1164 Centre Street Newton Center, MA 02459-1584

Maximum Obligation: \$85,154.00 Completion Date/Duration: June 30, 2012

Account No.: 6033-0816 Federal Aid No.: CM-001S(862)X

Description: Attached hereto are two (2) copies of force account agreement number 57122 in the amount of \$85,154.00 between Mass Highway and the City of Newton Fire Department relative to the relocation of facilities, by the City, at the subject location. Following approval, one (1) copy should remain in the files of Mass Highway and one (1) copy should be forwarded to:

Newton Fire Department
1164 Centre Street
Newton Center, Massachusetts 02459-1584
Attention: Bruce Proia

Approvals:

Submitted by [Signature] Date 12/21/08

Marigold 12/24/08

Director of Project Management Date

Matthew M. Barone 12/29/08

C.E.P.O. Date

Sup. of. Barroo 1/7/09

Contracts & Records Date

Chief Engineer Date

[Signature] 1/5/09

Chief Counsel Date

[Signature] 1/7/09

Commissioner Date

NIA

Secretary Date

MHD CON-AWARD 8-20-04

Item No.: 13
Date: JAN 07 2009

GFR/RAP/rap

cc: Utilities, CEPO, Audit, Project Management, District 4 Construction - Anthony Ferolito

This form, to be used for New Contracts and Contract Amendments/Renewals, is jointly issued and published by the Executive Office for Administration and Finance (ANF), the Office of the Comptroller (CTR) and the Operational Services Division (OSD) for use by all Commonwealth Departments. Any changes to the official printed language of this form shall be void. Additional non-conflicting terms may be added by Attachment. Contractors should only complete sections marked with a "→". For instructions and hyperlinks (italics), please view this form at: www.mass.gov/osc under Guidance For Vendors - Forms or at www.mass.gov/osd under OSD Forms.

→ Contractor Legal Name (and d/b/a): <u>City of Newton</u> → Legal Address (from W-9): <u>100 Commonwealth Ave.</u> <u>Newton MA 02459</u> → Payment Remittance Address (from W-9): <u>Newton MA 02459</u> → Contract Manager : <u>David B. Cohen</u> → E-Mail Address : <u>dpc@cityofnewton.gov</u> → Phone : <u>617-552-2210</u> → Fax : <u>617-552-2211</u> → TTY : <u>N/A</u> → State of Incorporation (if a corporation) or "N/A": <u>N/A</u> → Vendor Code : <u>VC 6000192120</u> MMARS Object Code : <u>N21</u>	Department MMARS Alpha Code and Name : <u>DPW MassHighway</u> Business Mailing Address : <u>10 Park Plaza Room 6340 Boston, MA 02116</u> Billing Address (if different): Contract Manager : <u>Guy Rezendes</u> E-Mail Address : <u>Guy.Rezendes@MHD.state.ma.us</u> Phone : <u>617-973-7512</u> Fax : <u>617-973-7554</u> TTY : MMARS Doc ID(s) : <u>CT DPW 0433 INTF00X02009A0057122</u> RFR/Procurement or Other ID Number (if applicable): Account(s) Funding Contract : <u>6033-0816</u>
<p style="text-align: center;">X NEW CONTRACT</p> COMPENSATION (Check only one): <input checked="" type="checkbox"/> Total Maximum Obligation of this Contract \$ <u>85,154.00</u> <input type="checkbox"/> Rate Contract (Attach details of rate(s) units and any calculations): The following COMMONWEALTH TERMS AND CONDITIONS for this Contract has been executed and filed with CTR (Check only one): <input checked="" type="checkbox"/> Commonwealth Terms And Conditions <input type="checkbox"/> Commonwealth Terms And Conditions For Human And Social Services PROCUREMENT OR EXCEPTION TYPE (Check one option only): <input type="checkbox"/> Single Department Procurement/Single Department User Contract <input type="checkbox"/> Single Department Procurement/Multiple Department User Contract <input type="checkbox"/> Multiple Department Procurement/Limited Department User Contract <input type="checkbox"/> Statewide Contract (OSD or an OSD-designated Department) <input type="checkbox"/> Grant (as defined by 815 CMR 2.00) <input type="checkbox"/> Emergency Contract (attach justification) <input type="checkbox"/> Contract Employee (Complete Employment Status Form) <input type="checkbox"/> Collective Purchase (attach OSD approval) <input type="checkbox"/> Legislative/Legal Exemption (attach authorizing language) <input checked="" type="checkbox"/> Other (Specify and attach documentation): ANTICIPATED START DATE : <u>1/7/2009</u> (Enter the Date Contract Obligations may begin. Review Certification for Effective Date Below prior to entry.) CONTRACT END DATE : <u>June 30, 2012</u>	<p style="text-align: center;">CONTRACT AMENDMENT/RENEWAL</p> ENTER CURRENT CONTRACT START and END DATES (prior to amendment) Current Start Date: _____ Current End Date: _____ COMPENSATION : (Check Either, "No Compensation Change", "Maximum Obligation" or "Rate change". ATTACH Amended Scope and Budget to support Amendment.) <input type="checkbox"/> NO Compensation Change (Skip to "OTHER" section below and select change) <input type="checkbox"/> Redistribute Budget Line Items (No Maximum Obligation Change) <input type="checkbox"/> Maximum Obligation Change a) Current Total Contract Maximum Obligation (Total Contract Maximum Obligation, including all prior amendments): b) Amendment Amount ("+" or "-") : \$ _____ c) NEW TOTAL CONTRACT MAXIMUM OBLIGATION : \$ _____ <input type="checkbox"/> Rate Changes to Rate Contract OTHER : (Check option, explain under "Brief Description" below, and attach documentation.) <input type="checkbox"/> Amend Duration Only (No Compensation or Performance Change) <input type="checkbox"/> Amend Scope of Services/Performance Only (no budget impact) <input type="checkbox"/> Interim Contract (Temporary Extension to complete new Procurement) <input type="checkbox"/> Other: (Describe Details and Attach documentation): ANTICIPATED START DATE : _____ (Enter the Date Amendment Obligations may begin. Review Certification for Effective Date Below prior to entry.) NEW CONTRACT END DATE : _____
→ PROMPT PAYMENT DISCOUNTS : Contractor has agreed to the following Prompt Pay Discounts for the listed Payment Issue Dates. See <u>Prompt Payment Discount Policy</u> . ___ % Within 10 Days ___ % Within 15 Days ___ % Within 20 Days ___ % Within 30 Days OR, Check off the following if: <input checked="" type="checkbox"/> Contractor either claims hardship, or chooses not to provide PPD, or compensation is not subject to prompt pay discounts (grants, non-commodity or non-service compensation)	
BRIEF DESCRIPTION OF CONTRACT PERFORMANCE OR REASON FOR AMENDMENT (Reference to attachments is insufficient): <u>The City of Newton Fire Department to relocate their facilities in support of MassHighway construction on a portion of Route 30 (Commonwealth Avenue) from Grant Avenue to the Boston City Line in the City of Newton.</u>	
CERTIFICATIONS : Notwithstanding verbal or other representations by the parties, or an earlier Start date listed above, the "Effective Date" of this Contract or Amendment shall be the latest date this Contract or Amendment has been executed by an authorized signatory of the Contractor, the Department, a later Contract or Amendment Start Date specified above, or the date of any required approvals. By executing this Contract/Amendment, the Contractor makes, under the pains and penalties of perjury, all certifications required under the attached <u>Contractor Certifications</u> , and has provided all required documentation noted with a "→", or shall provide any required documentation upon request, and the Contractor agrees that all terms governing performance of this Contract and doing business in Massachusetts are attached or incorporated by reference herein, including the terms of the applicable Commonwealth Terms and Conditions available at www.mass.gov/osc under <u>Guidance For Vendors - Forms</u> or at www.mass.gov/osd under <u>OSD Forms</u> , the terms of the attached <u>Instructions</u> , the Request for Response (RFR), solicitation (if applicable) or other authorization, the Contractor's response to the RFR or solicitation (if applicable), and any additional negotiated performance or budget provisions. The terms of this Contract shall survive its termination for the purpose of resolving any claim, dispute or other Contract action, or for effectuating any negotiated representations and warranties. THE PARTIES HEREBY ALSO CERTIFY THAT (Check one option only): 1. <input checked="" type="checkbox"/> the Contractor has NOT incurred any obligations triggering a payment obligation for dates prior to the Effective Date of this Contract or Amendment; OR 2. ___ any obligations incurred by the Contractor prior to the Effective Date of this Contract or Amendment (for which a payment obligation has been triggered) are intended to be part of this Contract/Amendment and shall be considered a final Settlement and Release of these obligations which are incorporated herein, and upon payment of these obligations, the Contractor forever releases the Commonwealth from any further claims related to these obligations.	
AUTHORIZING SIGNATURE FOR THE CONTRACTOR : → X: <u>David B. Cohen</u> Date: <u>12/19/08</u> (Signature and Date Must Be Handwritten At Time of Signature) → Print Name : <u>David B. Cohen</u> → Print Title : <u>Mayor</u>	AUTHORIZING SIGNATURE FOR THE DEPARTMENT : X: <u>Luisa Paiewonsky</u> Date: <u>1/1/09</u> (Signature and Date Must Be Handwritten At Time of Signature) Print Name : <u>Luisa Paiewonsky</u> Print Title : <u>Commissioner</u>

Approved as to Legal Form and Character:

Marie M. Lawlor, Assistant City Solicitor

COMMONWEALTH OF MASSACHUSETTS

CONTRACTOR AUTHORIZED SIGNATORY LISTING



CONTRACTOR LEGAL NAME: CITY OF NEWTON
 CONTRACTOR VENDOR/CUSTOMER CODE: VC 6000192120

INSTRUCTIONS: Any Contractor (other than a sole-proprietor or an individual contractor) must provide a listing of individuals who are authorized as legal representatives of the Contractor who can sign contracts and other legally binding documents related to the contract on the Contractor's behalf. In addition to this listing, any state department may require additional proof of authority to sign contracts on behalf of the Contractor, or proof of authenticity of signature (a notarized signature that the Department can use to verify that the signature and date that appear on the Contract or other legal document was actually made by the Contractor's authorized signatory, and not by a representative, designee or other individual.)

NOTICE: *Acceptance of any payment under a Contract or Grant shall operate as a waiver of any defense by the Contractor challenging the existence of a valid Contract due to an alleged lack of actual authority to execute the document by the signatory.*

For privacy purposes **DO NOT ATTACH** any documentation containing personal information, such as bank account numbers, social security numbers, driver's licenses, home addresses, social security cards or any other personally identifiable information that you do not want released as part of a public record. The Commonwealth reserves the right to publish the names and titles of authorized signatories of contractors.

AUTHORIZED SIGNATORY NAME	TITLE
David B. Cohen	Mayor of the City of Newton

I certify that I am the ~~President, Chief Executive Officer, Chief Fiscal Officer, Corporate Clerk or~~ Legal Counsel for the Contractor and as an authorized officer of the Contractor I certify that the names of the individuals identified on this listing are current as of the date of execution below and that these individuals are authorized to sign contracts and other legally binding documents related to contracts with the Commonwealth of Massachusetts on behalf of the Contractor. I understand and agree that the Contractor has a duty to ensure that this listing is immediately updated and communicated to any state department with which the Contractor does business whenever the authorized signatories above retire, are otherwise terminated from the Contractor's employ, have their responsibilities changed resulting in their no longer being authorized to sign contracts with the Commonwealth or whenever new signatories are designated.

Daniel M. Funk
 Signature

Date: 12/19/2008

08 APR 14 PM 5:31
 CITY CLERK
 NEWTON, MA 02459

Title: City Solicitor Telephone: (617) 796-1240
 Fax: (617) 796-1254 Email: dfunk@newtonma.gov

[Listing can not be accepted without all of this information completed.]
 A copy of this listing must be attached to the "record copy" of a contract filed with the department.

COMMONWEALTH OF MASSACHUSETTS CONTRACTOR AUTHORIZED SIGNATORY LISTING



CONTRACTOR LEGAL NAME :
CONTRACTOR VENDOR/CUSTOMER CODE:

PROOF OF AUTHENTICATION OF SIGNATURE

This page is optional and is available for a department to authenticate contract signatures.
It is recommended that Departments obtain authentication of signature for the signatory
who submits the Contractor Authorized Listing.

This Section MUST be completed by the Contractor Authorized Signatory in presence of notary.

Signatory's full legal name (print or type):

Title:

X *Robert J. Waddick*

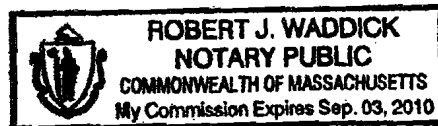
Signature as it will appear on contract or other document (Complete only in presence of notary):

AUTHENTICATED BY NOTARY OR CORPORATE CLERK (PICK ONLY ONE) AS FOLLOWS:

I, *Robert J. Waddick* (NOTARY) as a notary public certify that I witnessed
the signature of the aforementioned signatory above and I verified the individual's identity on this date:

December 19, 2008

My commission expires on:



AFFIX NOTARY SEAL

I, _____ (CORPORATE CLERK) certify that I witnessed the
signature of the aforementioned signatory above, that I verified the individual's identity and confirm the individual's
authority as an authorized signatory for the Contractor on this date:

_____, 20____

AFFIX CORPORATE SEAL
08 APR 14 PM 5:31
CITY CLERK
NEWTON, MA. 02159



Massachusetts Highway Department

INTEROFFICE MEMORANDUM

TO: Luisa Paiewonsky, Commissioner
THROUGH: Frank Tramontozzi, P.E., Chief Engineer
FROM: Guy Rezendes, P.E., Utilities Engineer
DATE: December 24, 2008
RE: Force Account Agreement Explanation Request

09 APR 14 PM 5 31
CITY CLERK
NEWTON, MA 02459

Approval of the attached Force Account Agreement is requested. The following information is provided to assist you in evaluating the request.

Project: Newton – Commonwealth Ave
Agreement No.: 57122
Utility: Newton Fire Dept. (Fire Alarm)
Force Account Agreement Estimate Amount: \$ 85,154.00

History:

The proposed project is a bridge replacement project. Newton Fire Dept. currently has underground facilities within the limits of the project. These conduits and duct banks must be relocated in order to reconstruct the roadway. In keeping with current MassHighway utility relocation reimbursement policy, Newton Fire is entitled to be reimbursed for actual costs incurred to keep their facilities whole including relocation of their properties and the corresponding labor forces and equipment necessary to relocate these facilities.

Explanation:

After reviewing the plans, it has been determined that Newton Fire will have to relocate the underground facilities to allow the contractor to reconstruct the roadway.

- The relocation of the underground facilities are a total of over 30,000 feet of cable that will need to be relocated.
- Included within this scope is \$15,000 in labor, mostly for pulling and splicing wire.
- Note that although the plans show the above noted conflicts, Newton Fire has expressed that they will cooperate with the MassHighway Resident Engineer and the MassHighway contractor to minimize the conflicts between the existing fire alarm and the proposed roadway project. If this can be achieved, the scope of work and funds expended will be reduced accordingly.
- \$47,000 of this force account is for new fire alarm cable, which averages about \$1.60 per foot. Therefore, any reduction of relocated facilities would reflect a significant reduction in force account cost.

As noted earlier, and within the standard MassHighway Utility Force Account Agreement, current MassHighway policy states that the utility is entitled to reimbursement for the actual costs incurred for the engineering reviews and calculations in relation to any necessary relocation of their facilities. The scope and budget attached to the proposed agreement has been reviewed and deemed reasonable for the work proposed. However, note that this is an estimate of these costs. If the actual costs incurred are less than the estimated costs, the utility will only be reimbursed for the actual costs. Likewise, if the actual costs are more, the utility is to be reimbursed for their total actual costs. Note that all requests for reimbursements from the utility are to be checked and verified by the MassHighway Resident Engineer before any reimbursement payment is to be initiated.

CHAPTER 291 OF THE ACTS OF 2004

SECTION 25. Said chapter 16 is hereby amended by inserting after section 5 the following 2 sections:-

Section 5A. (a) The department of highways may provide functional replacement of real property in public ownership whenever the department has acquired such property in whole or in part under this act or when such property is significantly and adversely affected as a result of the acquisition of property for a highway or highway-related project and whenever the department determines such functional replacement is necessary and in the public interest. For the purposes of this section, the words "functional replacement" shall mean the replacement, pursuant to chapter 7, including sections 40F and 40F 1/2, requiring authorization of the general court prior to disposition of real property, including either land or facilities thereon, or both, which will provide equivalent utility, and the words, "real property in public ownership" shall mean any present and future interest in land, including rights of use, now existing or hereafter arising, held by an agency, authority, board, bureau, commission, department, division or other unit, body, instrumentality or political subdivision of the commonwealth. This section shall not constitute authorization by the general court as required by said chapter 7.

(b) Whenever the department determines it is necessary that a utility or utility facility, as defined under federal law, be relocated because of construction of a project which is to be reimbursed federally in whole or in part, then such facility shall be relocated by the department or by the owner thereof in accordance with an order from the department; provided, however, that the commonwealth shall reimburse the owner of such utility or utility facility for the cost of relocation subject to the limitations in subsections (f) and (g) and in accordance with the following formula: (1) for any utility facility that is to be reimbursed federally in whole or in part, the department shall reimburse the utility to the extent that the cost of relocating the utility facility is reimbursed by the federal government; and (2) for the relocation of any utility facility over \$50,000 that does not qualify for federal reimbursement, the department shall reimburse the utility in accordance with the utility's performance in meeting the following schedule: if the utility completes the relocation in a manner consistent with the department's policies and on or before the target date established by the department for the project, the department shall reimburse the utility at least 50 per cent and not more than 80 per cent of the costs of relocating the utility facility.

(c) The department shall promulgate policies for the calculation of reimbursable expenditures, determination of target dates and requirements for notice to utilities, extent of consultation with utilities regarding design criteria for a relocation, calculation of completion times, and to implement this section. The department shall consult with the utilities, construction industry representatives, labor representatives, consumer representatives and other relevant and appropriate parties in the development of such policies, and shall forward such policies to the chairs of the house and senate committees on ways and means, the joint committee on transportation and the joint committee on government regulations.

(d) Any relocation of facilities carried out under this section which is not performed by employees of the owner shall be subject to section 27 of chapter 149 of the General Laws.

(e) Notwithstanding any general or special law to the contrary, any utility facility that is required to be relocated because of the construction of a project federally funded under the Federal-Aid Highway Act of 1982 and the Federal-Aid Highway Act of 1987 may be relocated temporarily above ground during the construction of the project.

(f) The total cost to the commonwealth for reimbursements for utility relocations under this section that are not reimbursed federally in whole or in part, shall not exceed \$10,000,000 annually, and shall not be credited toward meeting the requirements of a \$400,000,000 annual statewide road and bridge program as defined in chapter 87 of the acts of 2000.

(g) A utility relocation shall be eligible for reimbursement under this section only if it is completed to the satisfaction of the department within target dates established by the department and in accordance with design criteria set forth by the department for the relocation in a manner that facilitates the timely completion of the affected project.

Section 5B. Notwithstanding section 6 of chapter 33 of the acts of 1991 or any other general or special law to the contrary, the commonwealth, through the department of highways, may reimburse the owner of an underground utility or utility facility whenever such underground utility or utility facility has been relocated because of construction of a project which is to be reimbursed federally in whole or in part. This section shall apply to an underground utility or utility location project eligible for federal reimbursement having commenced on or after January 1, 2004, and the reimbursement authorized herein shall be to the extent that the cost of relocating the facility is reimbursed by the federal government.

The department of highways shall, in consultation with utility representatives, construction industry representatives, labor representatives, consumer representatives and other interested and appropriate parties, formulate recommendations for the general court on the feasibility of reimbursement for underground utility relocation projects that are not eligible for federal reimbursement on construction projects that are to be reimbursed federally in whole or in part. The recommendations shall be forwarded to the chairs of the house and senate committees on ways and means, the joint committee on transportation and the joint committee on government regulations on or before December 31, 2004.

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CITY CLERK
NEWTON, MA. 02159

UTILITY FORCE ACCOUNT AGREEMENT

Agreement Number 57122

F.A. PROJECT NO. CM-001S(862)X

MUNICIPALITY: NEWTON

BRIDGE NUMBER: N/A

COUNTY OF: MIDDLESEX

ROUTE 30 (COMMONWEALTH AVENUE)

09 APR 14 PM 5:32
CITY CLERK
NEWTON, MA. 02159

This Agreement made and entered into by and between the COMMONWEALTH OF MASSACHUSETTS, hereinafter called the "Commonwealth", through its HIGHWAY DEPARTMENT, hereinafter called "MassHighway ", and the CITY OF NEWTON FIRE DEPARTMENT, hereinafter called the "Owner", and

WHEREAS, MassHighway proposes to reconstruct a portion of Route 30 from Grant Avenue to the Boston City Line in the above Municipality, in said Commonwealth, the work to be financed in part by funds provided by the Federal Government, and

WHEREAS, the Owner has installed and is operating and/or maintaining fire alarm distribution facilities hereinafter called the "Facilities", and

WHEREAS, the reconstruction of said roadway will make necessary the alteration and/or relocation of the Facilities hereinafter called the "Adjustment" to the extent shown on the construction plans, and

WHEREAS, the eligibility of Federal participation has been established in accordance with the current edition of Title 23, CFR, of the United States Department of Transportation, Federal Highway Administration, hereinafter called "FHWA".

NOW THEREFORE, in consideration of the premises and mutually dependent covenants herein contained, it is hereby agreed between the parties hereto as follows:

WORK ORDER SYSTEM
DIVISION OF WORK

Section 1. All necessary labor, materials, equipment and other services shall be furnished by the Owner in accordance with 23 code of Federal Regulations Part 645. Utilities and the work shall be done by method a, b or c as shown below:

- a) By the Owner's Forces.
- b) By a contractor, who is the lowest pre-qualified bidder based on appropriate solicitation.
- c) By a continuing contract subject to approval by MassHighway under which certain work is regularly performed for the Owner.

When either method b or c is used, the Owner agrees to supply to MassHighway's Resident Engineer a copy of the contract between the Owner and the contractor, prior to the start of any work by the Owner's contractor.

Section 2. It is understood and agreed that certain preliminary engineering has been performed by the Owner during the period from January 3, 2007 to the date of this agreement.

Section 3. The Owner hereby agrees that except for minor revisions, the scope of the work necessary to complete the Adjustment cannot be altered or enlarged without the prior written approval of MassHighway. If a change other than minor is necessary or desirable, the owner agrees to submit a written request to MassHighway for approval with a revised force account and plan. Written approval from MassHighway is not necessary when a condition results in an actual threat to the public safety or convenience, but a written report shall be submitted by the owner to the Engineer as soon as feasible.

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CITY CLERK
NEWTON, MA. 02459

Section 4. The District Highway Director shall notify the Owner, in writing, when the Owner is authorized to start work described in this agreement. When MassHighway's general contract has been executed, the District Highway Director shall furnish the name of the general contractor and state that the contractor has been notified that an Agreement is in force between the Commonwealth and the Owner. The Owner hereby agrees to notify the District Highway Director, in writing, prior to the start of any construction work by the Owner in connection with this agreement.

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CITY CLERK
NEWTON, MA 02159

Section 5. The Owner hereby agrees to coordinate its force account work with the Resident Engineer of the project on a daily basis at a mutually agreeable time and to advise the Resident Engineer when work is suspended for a period of one day or more, when work is resumed and when work is completed on the project. Such coordination of work between the Owner and the Resident Engineer, can be done either verbal or in writing. The Owner also agrees that any work not previously scheduled to be done on a Saturday, Sunday or Legal Holiday will be done only after a three day advance notice has been given to the Resident Engineer, or lesser notice with written approval by the Resident Engineer, except when a condition exists which is an actual threat to the public safety or convenience.

Section 6. The Owner hereby agrees that its foreman or other authorized representative shall furnish to the Resident Engineer a written daily report of labor, materials and/or units installed (as shown and detailed on "Exhibit A"), equipment, and salvage, exclusive of prices, in connection with work by the Owner within two (2) working days from the close of the working day reported. Such daily report shall be submitted in triplicate to the Resident Engineer on Form CSD-123 entitled: "DAILY FORCE ACCOUNT REPORT".

Section 7. Upon the completion of the physical work, the Owner shall submit a record plan to the District Highway Director showing the work actually done in connection with this Agreement.

Section 8. At the time of final billing or prior thereto, the Owner agrees to furnish MassHighway, in writing an explanation of any overruns or underruns amounting to more than twenty-five percent (25%) of the preliminary estimated cost. If the actual cost of the force account work does not exceed one thousand dollars (\$1000), an explanation will not be necessary unless the overrun or underrun is in excess of fifty percent (50%).

WORK ORDER SYSTEM
DIVISION OF EXPENSE

09 APR 14 PM 5:32

CITY CLERK
NEWTON, MA. 02159

Section 1. The Commonwealth will reimburse the Owner of the actual costs and related indirect costs accumulated in accordance with a work order accounting procedure prescribed by the applicable Federal or State regulatory body for the adjustment of the Owner's Facilities under this Agreement, including the preliminary engineering performed by the Owner during the period from January 3, 2007 to the date of this Agreement less the salvage value of materials removed, determined in accordance with the applicable provisions of the Federal Highway Administration presently in effect.

MassHighway and the Owner prior to the start of construction will agree upon a relocation schedule. If the relocation is completed within the agreed upon time, MassHighway will reimburse the Owner 100% of its costs. If the Owner has inexcusably failed to meet the agreed upon schedule after written notice to the Owner outlining such failure, MassHighway will assess the Owner 1% of the amount to be reimbursed for each work day delayed.

If the relocation is so far behind schedule due to the Owner's sole negligence so that a contractor successfully brings a claim against MassHighway for costs of delay, the costs of said claim will be deducted from the relocation monies due the owner.

Section 2. An estimate of the cost of the labor, materials, equipment and other services to be furnished by the Owner for the Adjustment, dated November 14, 2008 is attached hereto and made a part hereof as "EXHIBIT A". Any supplementary estimate which is subsequently approved by the Chief Engineer of MassHighway and by the Owner will be attached hereto and made a part hereof.

It is understood that rates and cost components used in the estimate are not intended for use as reimbursable billing rates or costs in lieu of actual costs supported by the Owner accounting records.

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CITY CLERK
NEWTON, MA 02159

In order to determine reimbursable actual costs for the Owner's equipment, the Owner shall maintain accounting and usage records for each item of equipment in sufficient detail to develop hourly billing rates acceptable to MassHighway upon audit. As an alternative to maintaining such detailed records for the Owner's equipment, the Owner may request and receive reimbursement at hourly rates not in excess of rates determined by use of the Construction Equipment Ownership Expense Schedule, Region 1, U.S. Army Corps of Engineers (A.C.E. Schedule) in effect at the time of usage. Invoices based upon such A.C.E. rates shall be accompanied by descriptive detail on each equipment item sufficient to permit identification in the A.C.E. Schedule; plus appropriate page references to the A.C.E. Schedule and/or A.C.E. rate computations. For equipment items not identifiable in the A.C.E. Schedule, or in special circumstances, the Owner may request MassHighway pre-approval of rates estimated on a reasonable basis. This paragraph does not apply to items of equipment rented by the Owner from third parties.

Section 3. All reimbursable charges in connection with this Agreement will be subject to audit by representatives of MassHighway and/or the FHWA; and the Owner will retain all records and documents pertaining to the Agreement charges until such audit is completed or until written approval to destroy the records is given by MassHighway.

The Governor or his designee, the Secretary of Administration and Finance, and the State Auditor or his designee shall have the right at reasonable times and upon reasonable notice to examine the books, records and other compilations of data of the Owner which pertain to the performance of the provisions and requirements of this Agreement.

Section 4. There is no extension of service life in the Adjustment of the Owner's facilities in accordance with the conditions of said memorandum of the FHWA.

METHOD OF PAYMENT TO THE OWNER

Section 1. During the course of the project, the Owner may present monthly progress bills of the incurred costs for approval and payment by MassHighway.

Section 2. Upon completion of the physical portion of the Adjustment to the satisfaction of MassHighway and the Owner, written notification shall be given to the District Highway Director of the Department by the Owner that said work has been completed and, within 120 days thereof, the Owner will submit to MassHighway a final detailed bill (in quintuplicate) as required by the FHWA, and final settlement will then be made between the Commonwealth and the Owner.

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CITY CLERK
NEWTON, MA. 02159

FUTURE MAINTENANCE

Upon the completion of the Adjustment of the Owner's Facilities, the Owner shall thereafter maintain said Facilities as adjusted including the cost thereof.

MISCELLANEOUS

This Agreement shall not be considered fully executed until signed by the Department and nothing under **Division of Work**, shall commence until the effective start date of performance, **Notice to Proceed**, is issued by MassHighway.

Title to said Facilities as adjusted shall remain with the Owner.

Any permit as required shall be issued by MassHighway. The conditions of said permit providing for removal of the Owner's Facilities and also any conditions inconsistent with the provisions of this Agreement shall not apply thereto.

This agreement is set to expire on the date noted on the Standard Contract Form "Contract End Date". If an extension of time is needed beyond this date, a request is needed in writing with a minimum 60-day advance notice before the expiration date. The request will need to address the current expiration date, the proposed expiration date and any other information deemed necessary. An extension for this agreement after this date will not be granted and will be terminated. Any work done after this Contract End Date may not be reimbursable to the Owner.



David B. Cohen
Mayor

CITY OF NEWTON, MASSACHUSETTS

FIRE DEPARTMENT HEADQUARTERS

1164 Centre Street, Newton Center, MA 02459-1584
Chief: (617) 796-2210 Fire Prevention: (617) 796-2230
FAX: (617) 796-2211 EMERGENCY: 911



Joseph E. LaCroix
Chief

Guy Rezendes
Utilities Engineer
Mass Highway
10 Park Plaza, Room 6340
Boston, Ma 02116

November 14, 2008

09 APR 14 PM 5:32
CITY CLERK
NEWTON, MA 02459

Estimate Total: \$ 85,154.00

Dear Guy,

The following is an estimate of the work, and associated costs, for project file #601899 involving the construction project scheduled for Commonwealth Avenue in Newton. We have estimated our costs to be in the amount of \$85,153.21. This is a worst case estimate based on Verizon relocating all their conduit system. It is also based on current quotes provided by our vendors, which are only guaranteed through the end of December.

The Newton Fire Department Wire Division is responsible for the immediate care and control of the fire alarm and radio system within the City of Newton. The Wire Division is also responsible for the fiber optic cable that runs through the city.

The work scheduled for this project is in an area that will have a dramatic effect on our fire alarm cables, fiber optic cables and our radio cables. We cannot have interruptions in neither our radio system nor our fire alarm system and deliver on our mission of public safety to the City of Newton. For this reason we will need to rebuild the system so that we can maintain the integrity of the system while the work is being done. We will not be upgrading in any way, just rebuilding the current system.

Exhibit A

page 1 of 2

The estimate was broken down as follows:


- \$10,378.03 - 13,180 IMSA 20-6 3 pair 16 AWG solid fire alarm cable
- \$ 18,351.66 - 7,698 IMSA 20-6 25 pair 19 AWG solid cable
- \$ 18,351.66 - 7,698 IMSA 20-6 25 pair 19AWG solid radio cable
- \$3,440.00 - 7,698 Corning strand single mode fiber optic cable
- \$ 2,100.64 - 6 Corning UCN6-20 Splice Closures
- \$5,072.16 - 6 Alloy Castings ACPC-10 New England style cabinet
- \$2,661.66 - 6 Alloy Castings ACMS-10 New England style middle section
- \$2,465.40 - 6 Alloy Castings ACSB-10 Sub-base
- \$298.32 - 6 Alloy Castings Ball tops
- \$28.80 - 24 - Sub-base bolts
- \$2,319.40 - 1000' 4" Schedule 80 PVC Conduit
- \$186.00 - 100 4" Schedule 80 PVC Conduit couplings
- \$30.48 - 12 4" Schedule 80 PVC Conduit male adapters
- \$869.00 - 20 4" Schedule 80 PVC Conduit 90* sweep
- \$15,000.00 - Labor In -house and outside contractors
- \$3,000.00 - 10 days @ \$300 per day - Bucket truck and trailer
- \$600.00 - 10 man-hours engineering @ \$60 per hour
- \$0 - Rental equipment

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CITY CLERK
NEWTON, MA 02159

We do not anticipate having to dispose of any hazardous waste, but if we do it will be disposed of properly. Also, there is no salvage value to any of the materials being replaced.

If you have any questions, please do hesitate to call either of us at 617-796-2210

Respectfully,


Bruce A Proia
Chief of Operations



Jeffrey G. Knight
Superintendent, Wires Division

Exhibit A

page 2 of 2



Request For Allocation of Bond Funds Prior to Encumbrance

Project Numbers

Document ID			
Trans	Dept	R/Org	Number
CT	DPW	0433	INTF00X02009A0057122

681

11/20/2008

Approp No	Obj	Org	Act	Program + Phase (EWO/PARS)	NP	Federal Aid Code and Number	Amount Allocated
60330816	N21	0433	054				\$85,154.00
							\$85,154.00

Obligation By Fiscal Year for Multi-Year Contracts

	60330816	Total
2009	\$80,000.00	\$80,000.00
2010	\$5,134.00	\$5,134.00
2011	\$10.00	\$10.00
2012	\$10.00	\$10.00
MMARS Total	\$85,154.00	\$85,154.00

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 CITY CLERK
 NEWTON, MA 02459

Reason for Request

Contract No: 57122

Vendor Name: CITY OF NEWTON

Contract Location:

Vendor Code: VC6000192120 AD001

Contract Name: Newton - Route 30 (Commonwealth Avenue)

Report Note:

Recommended by:

Approved by:

Completed by Fiscal Management

Completed by CEPO

Expense Budg: _____

(Entered by Date)

Approved by: _____

Approved by: 12/24/08



Commonwealth of Massachusetts Office of the Comptroller
Contract Commodity Encumbrance Form

#115-09

Document Name		NEWTON - ROUTE 30 (COMMONWEALTH AVENUE)						[445516]
Document Description								
Document I.D.					MA Information			
Code	Dept	Unit	Document Identifier	Action	Code	Department	Identification Number	Vendor Line
CT	DPW	0433	INTF00X02009A0057122	Entry	MA			

Header / Vendor Information

Budget FY:	2009	Document Total:	\$85,154.00					
Fiscal Year:	2009	Vendor Name:	CITY OF NEWTON					
Period:	6	Vendor Address:	1000 COMMONWEALTH AVE	City:	NEWTON	State:	MA	
Board Award:	0057122	Vendor/Customer No.:	VC6000192120					
Requester ID:	dpwds3	Address Code:	AD001					
Report Note:			Comment:					

Line #1- Commodity Information

Commodity Code	721317000000	List Price		Description	Utility Relocation			
Line Type	Service	Unit Price		Contract Amount	\$85,154.00	Commodity Ref. Line		
Quantity		Service From						
Unit of Measure		Service To	06/30/2012					

Line #1- Accounting Information

Event Type	PR05	Budget FY	2009	Unit	0433	Major Program		Location	
Line Amount	\$80,000.00	Fiscal Year	2009	Object	N21	Program		Phase	
Dept	DPW	Period	6	Appropriation	60330816	Program Period		Activity	054

09 APR 14 PM 5:32
CITY CLERK
NEWTON, MA 02459

TO THE COMPTROLLER OF THE COMMONWEALTH OF MASSACHUSETTS

I hereby certify under the penalties of perjury that all laws of the Commonwealth governing disbursements of public funds and the regulations thereof have been complied with and observed.

FOR FISCAL USE ONLY

Entered By: _____ Date: _____ Verified By: _____ Date: _____
(Initial) (Initial)

Print Name: R. Rezendes Signed: R. Rezendes Title: NMS Phone Ext.: 7557 Date: 12-24-08

Print Name: Guy Rezendes Signed: Guy Rezendes Title: Guy Rezendes Phone Ext.: 7572 Date: 12/24/08

Prepared by
Authorized Signatory



Commonwealth of Massachusetts Office of the Comptroller
Contract Commodity Encumbrance Form

#115-09

Document Name		NEWTON - ROUTE 30 (COMMONWEALTH AVENUE)			[445516]
Document Description					
Document I.D.					
Code	Dept	Unit	Document Identifier	Action	
CT	DPW	0433	INTF00X02009A0057122	Entry	

Line #2- Accounting Information

Event Type	PR08	Budget FY	2010	Unit	0433	Major Program		Location	
Line Amount	\$5,134.00	Fiscal Year	2009	Object	N21	Program		Phase	
Dept	DPW	Period	6	Appropriation	60330816	Program Period		Activity	054

Line #3- Accounting Information

Event Type	PR08	Budget FY	2011	Unit	0433	Major Program		Location	
Line Amount	\$10.00	Fiscal Year	2009	Object	N21	Program		Phase	
Dept	DPW	Period	6	Appropriation	60330816	Program Period		Activity	054

Line #4- Accounting Information

Event Type	PR08	Budget FY	2012	Unit	0433	Major Program		Location	
Line Amount	\$10.00	Fiscal Year	2009	Object	N21	Program		Phase	
Dept	DPW	Period	6	Appropriation	60330816	Program Period		Activity	054

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CITY CLERK
NEWTON, MA 02459

TO THE COMPTROLLER OF THE COMMONWEALTH OF MASSACHUSETTS

I hereby certify under the penalties of perjury that all laws of the Commonwealth governing disbursements of public funds and the regulations thereof have been complied with and observed.

FOR FISCAL USE ONLY

Entered By: _____ Date: _____ Verified By: _____ Date: _____
(Initial) (Initial)

Print Name: _____ Signed: _____ Title: _____ Phone Ext.: _____ Date: _____
Prepared by
Print Name: _____ Signed: _____ Title: _____ Phone Ext.: _____ Date: _____
Authorized Signatory

MASSACHUSETTS HIGHWAY DEPARTMENT
PARS NUMBER

#115-09

8/26/2008
DATE

PARS NO: **P601899C12** SYSTEM: **C** FED. AID PROJECT NO: **CM-001-S-862-X00**
TOWN/CITY: **Newton**
LOCATION: **Route 30 (Commonwealth Ave.)**
ACTIVITY CODES: **011-023-024-025-050-051-053-054** FHWA AUTH. DATE: ADV. DATE: **8/23/2008**
REMARKS: **Reconstruction of Route 30 (Commonwealth Ave.) from the Boston City Line to Grant Ave.**
FIXED ASSET: ☐

REQUEST FOR ALLOCATION OF BOND FUNDS PRIOR TO ENCUMBRANCE

ENCUMBRANCE DOCUMENT ID				DATE
TRANS	DEPT	R/ORG	NUMBER	

SECTION A:

APPROPRIATION	SUB.	OBJ.	ORG.	ACT.	N / P	AMOUNT

SECTION B: OBLIGATION BY FISCAL YEAR FOR MULTI-YEAR CONTRACTS

APPROPRIATION			
TOTAL:			

REASON FOR REQUEST:

CONTRACTOR / CONTR. NO:

REMARKS:

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CITY CLERK
NEWTON, MA. 02159

RECOMMENDED - TITLE

APPROVED - TITLE

TO BE COMPLETED BY FISCAL MANAGEMENT:

APPROVED: _____
MANAGER / DATE

TO BE COMPLETED BY CEPO:

EXPENSE BUDGET: _____
ENTERED BY / DATE

APPROVED BY: _____
ACCOUNT MANAGER / DATE